



SACHI A. HAMAI
Interim Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

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To: Mayor Michael D. Antonovich
Supervisor Hilda Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe

From: Sachi A. Hamai
Interim Chief Executive Officer

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FISCAL ANALYSIS OF THE DISTRICT ATTORNEY'S VICTIMS SERVICES STRATEGIC PLAN (ITEM NO. S-1, AGENDA OF NOVEMBER 12, 2014)

On November 12, 2014, the Board approved a motion that directed the District Attorney (DA) to work with the Chief Executive Officer (CEO) to develop a comprehensive Victims Services Strategic Plan (VSSP) and fiscal analysis and report back to the Board at the same time the Comprehensive Diversion Plan for the Mentally Ill report is presented. This report is submitted in response to the Board's motion and will outline the CEO's preliminary fiscal analysis of the draft report submitted by the DA to our office on July 15, 2015.

The CEO analysis will focus on two main components included in the DA's report:

1) Victim Witness Assistance Program (VWAP) – Direct Services

The VWAP provides emergency assistance to endangered victims and their family members and crisis intervention for victims in need of medical treatment. The majority of the staff assigned to this program are Victim Services Representatives (VSR) who work as advocates and are the first point of contact for victims for access to available services.

2) Restitution Enhancement Program (REP)

The REP provides compensation to eligible victims of violent crimes and reimbursement of crime-related expenses. The program includes a team of paralegals who act as liaisons between attorneys, court personnel, other county departments and victims to obtain information and documentation necessary to obtain court orders for restitution.

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The DA has indicated that additional staffing resources are needed to improve the current services available to victims, as well as address gaps in services. Below is a analysis of the aforementioned programs which includes a program description, department's budget request and background, and CEO fiscal analysis and recommendation.

VICTIM WITNESS ASSISTANCE PROGRAM (VWAP) – DIRECT SERVICES

Pursuant to Penal Code Section 13835.2, VWAP has been the major provider of comprehensive services to victims of crime in Los Angeles County (County) since 1977. The Board also designated the DA's Office to be the "local agency" responsible for providing services to victims. VWAP was established to implement a decentralized, prosecution-based victim assistance program to provide mandatory and optional victim services throughout the County. VWAP is structured to meet the needs of victims and witnesses as they enter the criminal justice system; and to help stabilize them emotionally and financially in order to minimize trauma. VSR's work as victim advocates and are assigned to one of the twenty-seven victim resource offices throughout the County. VWAP's Direct Services Division consists of forty-seven positions of which thirty-six are grant funded. Accordingly, the primary source of funding for this program is through State and federal grants administered by the California Office of Emergency Services.

Department's Additional Budget Request and Background

| | FY 2014-15 Approved Adjustments | FY 2015-16 Funding Requested | FY 2015-16 Recommended Budget* |
|------------------------|--|---|---|
| Ongoing Funding | \$485,000 | \$957,000 | \$500,000 |
| One-time Funding | -- | -- | -- |
| Total Positions | 7.0 | 13.0 | -- |

*Funding set aside in the Provisional Financing Uses (PFU) Budget

Fiscal Year 2014-15

The DA's office requested, and the Board approved as part of the Fiscal Year (FY) 2014-15 Recommended Budget, \$200,000 in Net County Cost (NCC) for three VSR II positions to create the Marsy's Law Unit, which would be responsible for implementing policies specified in Proposition 9. The new law primarily expanded the responsibilities of the DA which now requires that they notify victims and their families of their rights in cases within its purview.

During FY 2014-15 Supplemental Changes, the Board approved the DA's request for \$285,000 in NCC for three VSR IIs and one Supervising VSR position to provide assistance and support to victims and witnesses of crimes in areas affected by the previous closures of community-based organizations (CBO). Victims must now seek assistance directly through the DA's Office.

Fiscal Year 2015-16

During FY 2015-16 Recommended Budget, in response to the Board's motion of November 12, 2014 directing the DA to develop a comprehensive VSSP, the DA's Office requested 13 additional positions for the VWAP to do the following: (1) establish new sites; (2) expand services to victims of non-violent crimes while continuing to prioritize services for victims of violence and threats of violence; (3) increase service levels at existing sites; (4) add specialized advocacy units; and (5) identify gaps in services which cannot be provided by Community Based Organizations. The 13 positions requested by the DA were as follows:

- 10.0 VSR II's
- 1.0 Intermediate Clerk
- 1.0 Supervising VSR
- 1.0 Assistant Program Administrator

CEO Fiscal Analysis

The DA's draft report submitted to our office on July 15, 2015 indicates a need for ten additional VSR II positions. Therefore, our analysis will only focus on the ten positions identified in the DA's report and not the thirteen submitted during FY 2015-16 Recommended Budget.

In addition, the DA has also identified the following additional gaps in services (ten proposals submitted) that are either not covered or adequately covered through the California Victim Compensation Program (CalVCP):

- Short term housing
- Crime scene clean up - automobile
- Food
- Funeral/burial costs
- Car impound fees
- Coroner fees
- Compensation benefits for housing relocation
- Long term transitional housing
- Necessary medical procedures

- Compensation for victims of financial crimes not covered by CalVCP Financial losses incurred by all victims who participate in the criminal justice system

We will continue to work with the DA to determine the financial impact that such services would have on the County if they were to be implemented. We will return to the Board with an updated analysis that will include the staff, operational, technological and financial resources needed to move forward with the DA's recommended ten proposals, such as the annual population to be served by each program, a review of the methodology used to determine the estimated number of clients/participants, and an estimated annual cost for each service.

Currently, the DA has 27 victim resource centers. These offices are located strategically throughout the County in courthouses, police stations and special prosecution units. Six sites have been identified as underserved and the DA is requesting to add one additional VSR at each of these sites to: (1) increase access to services by victims given the size of the County's geographical service area; (2) address increases in workload and gaps in service delivery; and (3) provide on-site staffing resources at courts and/or law enforcement stations where they currently do not exist. The remaining four positions will be used to create one new site for the Santa Clarita area, provide specialized assistance and advocacy services to victims of hate crimes, human trafficking, and financial crimes. To do so, the DA will open three new sites namely, the Fraud and Financial Crimes Victim Services Program (FFCVSP), Santa Clarita Program, and the Hate Crimes Unit.

The additional positions will give the DA the opportunity to re-open sites that were previously closed due to a reduction in grant funding and to reduce the ratio of VSR's to crime victims. In 2012, there were approximately 45,000 victims and the DA was only able to reach or provide services to about 20,000; less than one-half. In order for the DA to provide services to a greater number of victims, additional resources are needed; especially in communities where service levels are already strained. For example, per the DA's report, in 2013, the City of Compton experienced 22 homicides in less than 8 months, 15 of which were gang related. Currently the DA has two VSRs assigned to the Compton resource center, but the DA is challenged to meet the high demand for services given the high crime rate and high volume of victims, many of which are working poor, unemployed and/or have little to no English proficiency. Another example given by the DA is in North County, particularly Antelope Valley, which has experienced a significant increase in violent crimes along with an increase in population. In 2012, serious and violent crimes in Lancaster increased by 16% and in Palmdale by 3.5%; including sexual assault which rose up to 26% in Palmdale and 36% in Lancaster. Currently, the DA only has two VSRs assigned to the Antelope Valley resource center. Finally, using 2012 statistics, the DA further indicates that the ratio of VSRs to victims countywide is approximately 1:768.

The DA's VSSP consists of placing more victim sites strategically in communities with high violent crime rates and marginalized populations. Ten additional VSR's would enable the DA to decrease the service ratio to approximately one VSR to 655 victims (based on 2012 statistics). It should also be noted that not every victim seeks services through the DA's office, but having additional resources will allow the department, at a minimum, to make sure that victims are aware of their rights and have access to the full range of services available.

| Underserved Locations/Programs | Current Staff | Additional Staff | Total |
|---|----------------------|-------------------------|--------------|
| Airport/LASD – West Hollywood | 1 | 1 | 2 |
| Antelope Valley/LASD – Palmdale/Lancaster | 2 | 1 | 3 |
| Civic Center | 1 | 1 | 2 |
| Compton/LASD – Compton | 2 | 1 | 3 |
| Pasadena/Glendale/Burbank | 1 | 1 | 2 |
| Torrance/LASD – Lennox | 1 | 1 | 2 |
| New Specialized Sites | | | |
| Fraud/Financial Crimes Victim Services | -- | 2 | 2 |
| Santa Clarita Program | -- | 1 | 1 |
| Hate Crimes Unit | -- | 1 | 1 |
| TOTAL | 8 | 10 | 18 |

The estimated annual cost for the 10 VSR II positions is \$719,000. During FY 2015-16 Recommended Budget, the CEO set aside \$500,000 in PFU to address this anticipated need. If additional NCC is not available, funding in PFU would offset the costs of approximately seven VSR II positions.

CEO's Recommendation

- 1) Appropriate the \$500,000 in PFU to the DA's office to fund seven VSR II positions.
- 2) Recommend that the DA pursue additional funding from state and federal grants programs to increase the number of VSR's in the County.
- 3) Recommend that the DA provide an updated statistical analysis in FY 2016-17 Recommended Budget to determine if the remaining three requested VSRs are necessary at the identified sites. Recent statistics show there has been a steady decline in the rate of incidents of violent crime over the past several years.

RESTITUTION ENHANCEMENT PROGRAM (REP)

The REP provides compensation for eligible victims of violent crimes and reimbursement of crime-related expenses. The paralegal acts as a liaison between attorneys, court personnel, and victims to obtain information and documentation on economic losses sustained from being a victim of crime. Accordingly, the paralegals work closely with deputy district attorneys to obtain court orders for restitution on behalf of victims in cases which the financial losses associated with the crime exceeds \$2,500. Paralegals also work with the Los Angeles County Probation Department (Probation) and the California Department of Corrections and Rehabilitation to collect restitution. According to the DA's 2012 statistics, the department is providing restitution services to less than half of all victims of violent crime in the County.

Department's Additional Budget Request and Background

| | FY 2014-15 Approved Adjustments | FY 2015-16 Funding Requested | FY 2015-16 Recommended Budget |
|------------------------|--|---|--|
| Ongoing Funding | -- | \$439,000 | -- |
| One-time Funding | -- | -- | -- |
| Total Positions | -- | 5.0 | -- |

The REP currently operates with a staffing level that includes nine paralegals at six different sites. Six paralegals are funded by the general fund and are tasked primarily with assisting in obtaining court orders to help victims with their constitutional right to restitution (i.e., to recover financial losses resulting from the crime). These paralegals ensure the restitution orders are appropriately submitted and with the collection of supporting documentation showing the incurred losses. The paralegals also provide litigation support, especially when the restitution order is contested by the defendant. Finally, they are also responsible for forwarding the victims contact information, confidentially, to the California Department of Corrections and Rehabilitation, Probation and other governmental agencies involved in restitution collection and subsequent distribution.

The remaining three paralegals are called the California Restitution Compact Paralegals (CRCP) and are funded by a Joint Powers contract awarded to the County every three years and renewed at the discretion of CalVCP Board. The paralegals are responsible for processing victim compensation claims locally. The CRCP's work exclusively to facilitate court orders on behalf of CalVCP to recoup pay outs made by victims from the State Victim Compensation Fund for claims such as funeral burial; mental health counseling, medical treatment and other eligible expenses paid from the fund to victims.

The DA is seeking additional resources in the amount of \$439,000 to add five paralegals in five new sites to increase restitution to crime victims and to also mitigate the gap in restitution collection created by the passage of Assembly Bill (AB) 109.

CEO's Fiscal Analysis

The REP is currently understaffed and responsible for serving an expansive geographic area which is neither efficient nor cost-effective due to the significant amount of time spent commuting by the paralegals. Currently, paralegals work in multiple court locations and may at times be required to cover up to three court locations in a single week. By doing so, the DA indicates it has affected the administration of the claims process, such as ensuring orders are obtained in amounts that fully compensate the victims, timely submissions of supporting documentation for claims, and the issuance of a valid restitution order in all eligible cases. As previously stated, the DA's office relies on only nine paralegals to service all victims in the County. As a result of the coverage issues, there has been a decline in the amount of restitution orders obtained between 2008 and 2014. In 2008, total restitution amount ordered was approximately \$24,000,000 and in 2013 that amount dropped to \$11,000,000.

In addition, AB 109 did not include a mechanism for collecting restitution from individuals convicted and sentenced to county jail or those on post-release community supervision. However, effective January 1, 2015, Penal Code Section 2085.6 authorizes collection from individuals convicted and sentenced to county jail; defendants on mandatory supervision following release from county jail; and from defendants on post-release community supervision.

Accordingly, the DA's staffing plan will address understaffed areas and assist in the implementation of a local collection system - an inmate wage and trust accounts in County jail can be accessed to satisfy court orders for restitution.

| Locations | Current Staff | Additional Staff | Total |
|---------------------------------|----------------------|-------------------------|--------------|
| Airport | 1 | -- | 1 |
| Central Trials | 1 | -- | 1 |
| CRCP (grant funded) | 3 | -- | 3 |
| Long Beach | 1 | -- | 1 |
| Norwalk/Bellflower/Downey/Metro | 1 | -- | 1 |
| Pasadena/Glendale/Alhambra | 1 | -- | 1 |
| Torrance/Inglewood | 1 | -- | 1 |
| New Sites | | | |
| Antelope Valley | -- | 1 | 1 |
| Compton | -- | 1 | 1 |

| | | | |
|-----------------------------|----------|----------|-----------|
| Pomona/El Monte/West Covina | -- | 1 | 1 |
| San Fernando/Santa Clarita | -- | 1 | 1 |
| Van Nuys | -- | 1 | 1 |
| Total Positions | 9 | 5 | 14 |

CEO's Recommendation

The REP taskforce agencies continue to review the proposed processes that will be required to implement a local collection system and increase restitution orders on behalf of victims in all criminal cases. Although, the full impact and resources needed to implement this new program is unknown at this time, the CEO recommends the following:

- 1) Provide funding in the amount of \$439,000 to add five paralegals at five new sites as requested by the DA.
- 2) Recommend that the DA provide an updated analysis in FY 2016-17 Recommended Budget to determine if the proposed staffing level of fourteen paralegals can handle their existing duties as well as absorb the additional duties of local collection system.

Conclusion

Pursuant to the Board's direction, the DA has developed a VSSP that identifies resources needed to ensure a more coordinated approach to the delivery of services to victims of crimes; expands access to services; and promote an effective, culturally and crime sensitive service delivery model that ultimately improves the health, safety and well-being of victims of crimes. The DA identified critical gaps in victim services that not only require immediate attention but much needed additional resources.

In our analysis, we determined that in order to serve a larger population of crime victims, the County needs to be more readily accessible (i.e., establish more sites) and better staffed at our existing sites to not only meet the current demands but address the specialized services and advocacy required by culturally diverse county residents.

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To fully implement the proposed augmentations for VWAP and REP; the DA will require additional on-going resources of approximately \$1,158,000. The CEO set aside \$500,000 in PFU during the FY 2015-16 Recommended Budget in anticipation of this report. Based on our preliminary analysis, we recommend funding for seven VSR II's (\$500,000) for direct services for VWAP and five paralegals (\$439,000) for REP at a total cost of \$939,000. The VWAP VSR's costs are fully offset by the funds set aside in PFU. However, \$439,000 in additional funding will be required to fund the paralegals for REP.

As always, the CEO will continue to work with the DA to strengthen coordination, collaboration and capacity of services provided to victims of crimes. In addition, we will continue to support the DA as they revisit and refine their VSSP and identify any additional resources required beyond what is included in this initial report. Ultimately, the goal of the County is to improve the lives of crime victims by ensuring access to comprehensive services needed to rebuild their lives.

SAH:JJ:SK
SW:PVR:cc

c: Executive Office, Board of Supervisors
County Counsel
District Attorney
Sheriff
Probation

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